

# HAWAIIAN GAZETTE.

J. MOTT SMITH,  
Director of the Government Press.

HONOLULU:  
WEDNESDAY, DEC. 16, 1888.

BY AUTHORITY.

FRIDAY, the 21st of December, commonly called Christmas Day, and Friday, Jan. 1, 1889, are Government Holidays, and all Public Offices will be closed.

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We have great pleasure in publishing the communication of our correspondent "Publicola," and hope that, at all times, any who may have thoughts to communicate to the public, will understand that it is one of the purposes for which this paper is established, to obtain an expression of opinion from all who are desirous of expressing their views upon any subject, in a proper manner; nor does it make any difference, in this respect, whether their views happen to correspond with those advocated by this paper. Upon the subject of Sunday laws, the Hawaiian Government, in its legislative, executive, and judicial functions, has hitherto been unvarying in its views.

A summary law is one made to restrain the expenses of citizens in their food, clothing, or furniture, and, as our correspondent says, is difficult of execution. These laws soon become odious to all, because they interfere with the liberty of all—subjecting every one to espionage to see whether the laws are enforced, and thus the observation on private life becomes universal—or the law soon becomes a dead letter. Our Sunday law is, therefore, in no sense a summary enactment. It does not attempt to limit the expenses of any one. The enactment is not in restraint of human freedom, but, on the contrary, in the interest of it. Though it prohibits all business and amusement on Sunday, it is never construed to interfere with those quiet occupations, which pertain to the individual alone, or his immediate family. Nor is it construed, in its enforcement, so as to restrain any of the trades, which are as absolutely necessary on that day as any other, from furnishing their wares during a reasonable portion of the day. Hence the milkman, the baker, the butcher, and the apothecary are available, not only in this, but in all communities where such laws are enforced, at certain customary hours of the day—as in the morning, for instance. And in this connection, we apprehend that the story of the disciples in the corn-field is more applicable than it would be to the keeping open houses for retailing ardent spirits, or places of amusement. Our correspondent is mistaken in thinking that such laws do not prevail in other parts of the world. They are of universal enforcement in all the New England communities, and very general in all communities deriving their laws and customs from them, or from Scotland.

The majority of our people believe that Sunday is, in very truth—religiously speaking—a sacred day; and all that they require from their fellow citizens is that they shall abstain from labor, and such amusements as offend their sense of right, on that day. Surely, inasmuch as the other six days are left, this is no great concession for the religious community to demand.

But here step in the Legislators, and some, moved by the same sense of religious obligation to which we have alluded, and others, by the knowledge that—physiologically speaking—rest from labor is necessary, at least as frequently as one day in seven, they make the carrying on of all occupations illegal. If an exception should be made in favor of one—(always excepting the case of those who are alike indispensable to all)—it must be made in favor of others. Least of all should it be made in favor of an occupation which none reckon absolutely necessary—most positively injurious—which is ruinous to many—for which injurious traffic, Sunday, being a day of enforced leisure in other occupations, would give most opportunity and temptation, not only to those wrongly inclined, but to those most easily tempted.

We have said above that the enactment of these laws is in the interest of freedom. This may seem a paradox—yet, leaving aside the religious aspect of the question, the assertion is true. By making labor unlawful, they likewise make null and void all contracts for labor, and take away, for the most part, temptations to labor, so that the rich or greedy are not able to force or tempt the needy or ardent to work on that day. They give the sanctity of the law to the custom of passing on that day from grinding toil, or in the headlong rush after the fancied goal of wealth, and give the opportunity to rest oneself—to think of something else—and to enjoy, in a quiet way, one's family, and those comforts of which he may be possessed. That labor which is respectable on the other days of the week, becomes the contrary on Sunday. That rest—idleness, if you please—which was disreputable, during the six preceding days, becomes respectable on this day of all-pervading rest.

**J. H. WOOD vs. SING ZITZCH, AND SING ZITZCH vs. J. H. WOOD.**  
The points at issue in these cases, which have both been decided adversely to the Japanese in the Police and District Court of Honolulu, are as follows:  
One morning, three Japanese, of whom Sing Zitsch was one, appeared at the Government House, with some rice boiled in much water, so that the kernels were swimming about—and desired to make complaint that they were insufficiently fed. They being unable to make themselves understood, otherwise than by signs, they were told to sit down until an interpreter could be called, when it appeared that they complained that deductions were made from their wages; and that Sing Zitsch having complained of being ill of a bowel complaint, some days before, had been off work, and that his employer had given him the rice which he had in

his hand, which he (the laborer), claimed to be insufficient to supply the necessities of nature. It was very difficult to understand them, for the interpretation is exceedingly imperfect, and the time consumed was very long—so that it was nearly three o'clock when they were told to go home to the plantation, and that the magistrate would listen to their complaint on a certain day, which had in the meantime been fixed; and a summons was issued to their employer to show cause why his contracts should not be cancelled, in accordance with the 1423d Section of the Civil Code.

It subsequently appeared that the employer had procured process to be issued against them for desertion, in "being absent from his service without leave," in accordance with the 1419th Section of the Civil Code. The Japanese, when they left the Government House, immediately proceeded home to the plantation, as they were directed—indeed, they had no knowledge that any process had been sued out against them. Their employer thereupon received two of the men, but refused to receive Sing Zitsch, and requested the officer, who held the process, to keep him in the Lock-up, and produce him before the Court the next morning.

Now it is claimed, on behalf of the Japanese, that going to the Board of Immigration, or any magistrate for redress of a grievance, without leave of the employer, is not a desertion within the meaning of the law—in other words, that every man has a right to go to the magistrate—leave or no leave—and the magistrate will be the judge of the frivolity of the complaint; and further, when a man offers to return, and go to work, that the employer must receive him, and allow him to go to work. It was then suggested in behalf of the employer, that though this laborer had not really left the plantation until Wednesday night, yet, inasmuch as he had not worked on Monday and Tuesday, claiming to be ill, it might be considered that he refused to work, and that the bowel complaint was a mere pretext to cover the refusal, and thus came within Section 1420. To this it was objected that such a refusal was the refusal contemplated by the statute, but that an obstinate and rebellious refusal to work, was the refusal contemplated by law; nor was it the desertion contemplated by the summons, and sought to be made out by the employer in his complaint. If a man claims to be ill, and is treated by his employer as a sick man, by giving him leave, and if it is to be taken as a conceded fact that he is ill, and not to be raised against him thereafter, on another occasion as a pretense; and that this case fell within that line, viz., that the man claimed to be sick, and thereupon his employer allowed him to remain in the house, and limited his diet to a comparatively small quantity of rice, boiled in a comparatively large quantity of water. The fact that he was sick, as he complained, did not seem to be controverted to the laborer at the time, and was therefore to be taken as conceded.

It appeared upon the trial that the Japanese had received in cash a very small sum of money for the services rendered during four months—as it was understood, not more than \$3.75, the rest of his wages being used up by deductions made for days when he did not work, from sickness—it being alleged that during the month of July, he only made 6½ days, being ill of a cutaneous disease when he left the ship. It is claimed on the part of the Japanese that if his sickness is not brought upon him by his own imprudence or folly, he is entitled to his wages without deduction; that the non-payment of them, notwithstanding he was apparently admitted to be sick, and his arrest, under the circumstances above stated, and the refusal to receive him, when he had voluntarily returned after making his complaint, and causing him to be placed in the Lock-up, were violations of his contract which entitled him to have it cancelled.

The magistrate having decided against the laborer upon all the points raised in his favor, the case was thought to be of sufficient importance to be appealed to the Supreme Court, in order that the rights of parties, under the contracts, may be fully determined.

**CORRESPONDENCE.**  
MR. EDITOR: There exists a class of individuals in most communities who consider themselves in duty bound to always oppose whatever measure or institution comes from the Government for no other reason than the fact of its emanating from that source. To satisfy them would be a hopeless task: they are only satisfied with their own beloved schemes. Whether the public at large is the gainer, or the actual and final loser through their reckless criticism, is a matter of complete indifference to them, provided that some small annoyance is caused to those who are at the head of public affairs. And yet they call their mission one of Peace, of Charity, of Love! It being an old established truth that it is easier to criticize than to create, to destroy than to build up, it can not be wondered at that the laudable exertions of these impartial knights of negation are frequently crowned with the only success they are entitled to, namely, to be applauded by a thoughtless crowd. The greatest annoyance to this band of public benefactors is to have to deal with statistics; nor is their aversion to that branch of political science ill-founded. Numbers are not so easily to be dealt with as words, and the eloquent delineator of public instruction in a local paper of this city can not help admiring, though with bad grace—the exactness of the statistics concerning the number of children in the common schools, and in those assisted by the Government, as given in the GAZETTE of the 2nd inst. His indignation soon finds vent, however, through another channel.

He has caught two schoolmasters about in the very act of smoking a pipe. It does not matter so much with one, he being an idiot, (according to the benevolent judgment of our anthropologist), but the other wretch—a tax-collector to boot—was, oh, horror of horrors! actually reeking with tobacco smoke. If this severe censor of human frailty should ever extend his inspecting tours in the detective line as far as the Kingdom of Prussia or the North-German Confederation, where public education is generally admitted not to be behind the age, he would, no doubt, have some similar astonishing items to brook. What would he say when he had found out every schoolmaster in the country to be a corporal or a sergeant in disguise, who had to shoulder his needle gun and shut up the establishment for six entire weeks during the year? Rather mixed, comrade, eh?

It does not require a sublime amount of wisdom to detect a worthy school that requires assistance. Certainly not; though more than it does to treat the matter thus flippantly, and it may require some amount of tact and judgment to make a proper choice amidst a great many applications of the kind. The purse of the Government must needs be proportional to the sum appropriated by the Legislative Assembly to the cause of public education. If to the censor, the Government appears "like a rich family distributing small charities to its neighbors," certainly it appears in a very desirable and enviable light.

The fact that, following around the circuit of Oahu, it was but a short time since that more than one-third of the children overstepping independent schools, seems a strange argument to find in our censor's philippic. I hope to have his permission to think that he would not have felt sorry if the case had been reversed.

Education being too serious and too important a subject to be frivolously treated, I must abstain from criticizing the strange model for an Inspector-General, or, as he wants him styled, "Superintendent," of Public Schools, drawn up by the writer of the article in question. He is too vastly different from a real one. Earnestness of purpose and firmness of character will, however, be preferred to the somewhat doubtful quality of "eliciting cheers from an audience of parents," or "raising a furor amongst students," by those at least who prefer wisdom to charlatanism. Amongst the continual self-sacrifices, the quiet, steady, and earnest labors which that position involves, there will be, I think, but little or no room left for any other ambition than that of possessing a clean conscience, and of knowing that one's duty has been honestly fulfilled. The glory of having his memory handed down to posterity may, therefore, remain with the critic of the Board of Education.

Yours truly,  
MR. EDITOR: "Sumptuary laws," says Webster, "are abridgments of liberty, and of very difficult execution. They can be justified only on the ground of extreme necessity." Such a necessity arises, I presume, when men require to be restrained from the commission of crime, or acts of violence or disorder. But when laws are made and strictly enforced which restrain a man from peacefully enjoying himself in the way in which he chooses, without detriment to, or interference with the rights of his neighbors, and without scandalizing public morals, such laws are clearly sumptuary in their nature. Such are all enactments, the object and aim of which is to coerce men in matters of religious belief, or to compel them to regulate their private conduct in reference to any such belief. All these attempts to curtail personal liberty, besides being unwise and unjust, from their difficulty of enforcement, fail of their object, or else lead to worse evils than those they are professedly intended to cure. When a law is of such a nature that it becomes odious to those who most sensibly feel its operation, the result is that it becomes contemptible in their eyes, and they resort to every artifice to evade it.

These remarks apply to the Sunday law of this country, so very strict in its terms and so rigidly enforced, and for this no one can blame the officers charged with its execution—that I doubt if its parallel can be found in the statutes of any other country on the globe. If you require an orange in case of sickness, it cannot be had of the fruit dealers for love or money on Sunday, for Sunday is *tabu*. Not only is "all worldly business" forbidden on that day—but all recreation or pleasure is forbidden. To be sure, the practice does not go so far as to forbid one taking a walk on a Sunday afternoon, or a ride, it may be, on one's own horse, but it is to be a horse for hire. A glass of beer, wine, or spirits, is, on Sunday, in the words of the poet (slightly imitated).

A monitor of such hideous mien,  
That to be hated, must not be seen.  
In short, though we don't quite come up to the old "Blue Laws" of Connecticut, where a man, as veritable history tells us, was flogged for kissing his wife on Sunday, yet we approximate as nearly thereto as possible.

The result of all this stringent lacing in regard to the observance of Sunday is, that religion and the cause of good morals, instead of gaining ground, have lost. The difficulty of procuring any kind of refreshment on Sunday drives men of certain classes and temperaments to house freely on Saturday nights and carry home a supply for the next day, and thus drink more than they otherwise would, were the system adopted here that is pursued in England, of allowing the public houses to be open during certain hours on Sunday. Look at Germany, the land of the great reformer, Martin Luther. Recently an English clergyman of high rank was on a visit to one of the large cities of Germany, and one Sunday evening was invited by the friend with whom he was staying to take a walk. After looking in at several places of public amusement, they entered one of the public houses, and seated a natural, the tables a number of very respectably dressed and intellectual looking people, who were chatting, smoking, and drinking "lager."

"These," said the clergyman's chaplain, "are all Lutheran clergy-men." Yet these men had all in the first part of the day attended to their clerical duties—and who will say, with any less sincerity and faithfulness than a Sabbatarian Calvinist?

"The Sabbath was made for man, not man for the Sabbath." If the New Testament is clear on any one point, it is in regard to the observance of the Sabbath. It is expressly declared that the Sabbath is for man, for his wants, his happiness, and his pleasure. Can it be supposed that the story of the cornfield, so precisely narrated by the Evangelist, was an accidental occurrence? Or rather was it not designed and contrived for the purpose of teaching the apostles that

the strict notions of the Jews were erroneous? I argue not for unbridled license, but let us have more liberty of recreation and less of hypocrisy on Sunday.  
I am, etc.,  
PERICOLA.

MR. EDITOR: You will confer a favor by allowing me space in your columns to enter a protest against the practice of lighting bonfires in the vicinity of this city, thereby creating a false alarm of fire. This has been done three times within the last few months, and the effect it has had on the firemen has been by no means a good one. We are willing to risk life and limb in the discharge of our duty, but do not wish to be trifled with, or subjected to the caprice of children, large or small, in this manner. If it is too much trouble to notify the Department of the intention of lighting a bonfire, the Department may after a time conclude that it is too much trouble to run a mile on uncertainties. Such was the feeling expressed by some of the members on last Tuesday evening.

Now, Sir, if the citizens persist in the practice above alluded to, they are responsible for the consequences. There is danger in calling out the Fire Department at any time, even in case of a real alarm of fire; but it is far more dangerous on a dark night, when the streets are filled with people, as was the case on the last false alarm. There were several narrow escapes from severe injuries by the running of engines in haste through narrow, crooked and dark streets. We accept the apology of the parties who lighted the bonfire on last Tuesday night for what it may be worth, but it does not repair the damage done to two of our machines on that occasion. Who is responsible? Yours in haste,

AN ACTIVE FIREMAN.  
**The Isthmus Canal Project.**  
The project for constructing a ship canal across the Isthmus of Panama, taken hold of in apparently good earnest. Congress, two years ago, directed an investigation on the subject. Admiral Davis reported that the route traced by Scotch colonists in the seventeenth century, and strongly urged by Patterson, founder of the Bank of England, was not only feasible, but the most practicable route known. The route has the eminent endorsement of Humboldt. It has not been definitively located, but from all the testimony adduced it is believed that a ship canal can be cut from ocean to ocean in a distance not exceeding twenty-six miles—perhaps twenty—between the deep and spacious harbors of San Miguel and Colobombay. On this route, only a single ridge rises between the two oceans, and this is seaward by deep ravines which favors the enterprise. It is said the canal can be made for less than one-third the cost of the canal across the Isthmus of Suez, which is 100 yards long, 100 yards wide, and 10 yards deep; while it would be infinitely more valuable to the commerce of the world.

It belongs to the United States, with a few exceptions, the Atlantic Pacific, and such varied resources and expansive energies as no other country can boast of, to construct this work, and it is gratifying to learn that New York capitalists have formed a corporation for the purpose, styled the Isthmus Canal Company, of which Peter Cooper is President, and Frederick A. Conklin is Secretary. Secretary Cooper was at San Francisco last week, and is present at a recent meeting of this company, and took an active part in the proceedings. The venerable Secretary, after contributing more to the cause of the canal, and the domestic and foreign policy of the country, is devoting the remainder of his days to the promotion of material progress. He sees in the completion of this canal project, which he anticipates as an event of the early future, an important means for extending the commerce of the United States, and expending its commerce. At the meeting which he addressed, the highest estimate of the cost of the canal was \$100,000,000. This is about one-third of the Pacific Railroad, which is worth to the nation a thousand times that sum, although it is not nearly of the value which the Darien Canal would be.

Tables compiled for the use of Congress show that by means of this canal, ships plying from New York to San Francisco via Cape Horn, a distance of 10,000 miles, would save 14,000 miles. The saving in trips from New York to California, Canton and Shanghai would be from 9,000 to nearly 15,000 miles. The saving on trips to South and Central American and Mexican ports on the Pacific side, would range from 8,000 to 14,000 miles. As railroads cannot compete with ships for transportation of much of the freight between the Atlantic and Pacific sides of the Continent, the importance of this saving in time and distance is apparent. If we could consider our domestic commerce. The money value of the saving to the United States is estimated at over \$20,000,000 annually. The tonnage and trade that would yearly pass through the canal, diverted from the Cape of Good Hope and Cape Horn routes, are estimated in money value as follows: England, \$193,168,997; England, \$193,168,997; France, \$67,210,000; other countries, \$16,802,100; total, \$457,581,197. The annual saving to the commerce of the world by shortening the ocean routes so much as we have seen, is estimated at \$50,000,000 in round numbers. The United States being the greatest gainer.

The subject is of so great interest to California, for the canal would furnish such a direct and short transit to European and Eastern markets, that the production of our agricultural staples would be immensely increased, and the State would have almost unrivaled facilities for supplying Europe with breadstuffs. The great fleet of the port of San Francisco, including 161 full cargoes of wheat for Europe. During the first nine months of the present year, 185 grain ships were dispatched. The wheat cargoes for either year averaged about 1,000 tons. The ships carrying the cargoes make but one round voyage a year. The Darien canal would enable them to make at least two, and screw propellers for freight purposes could make five voyages a year.—*S. F. Bulletin.*

**HOMER GREELEY AT WORK.**—Some one thus happily sketches the editor of the Tribune:  
Greeley can lay Virginia's worm fences in ink faster than any other editor in New York city. He uses a fountain pen, a pen from some friend. He thinks a good deal of it, but during an experience of three years he has failed to learn the simple principle of action without getting his mouth full of it, and he generally uses it with an empty receiver. He makes a dash at the ink bottle every twenty seconds, places the third finger and thumb of his left hand on the paper, and scratches away at his worm fence like one possessed. He writes marvelously fast. Frequently the point of his pen pricks through his sheet, for he writes a heavy hand, and a snap follows, spreading inkspots over the paper, resembling a wood-cut portraying the sparks from a blacksmith's hammer. Biots like un-mashed spiders or crushed whiteflies occasionally intervene, but the old veteran dashes them with said, leaving a sweating compositors to scratch the ink off and dig out the words underneath. Greeley